IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.304 of 2003

Between:

Alapati Venkata Ramana, S/o.Jithendranath, 46 years,
4th ward, Narasapur, West Godavari District.

...PETITIONER

AND

1. The Revenue Divisional Officer,
   Narasapur, West Godavari District.

2. The Mandal Revenue Officer,
   Narasapur, West Godavari District.

3. The Narasapur Municipality, rep.by its Commissioner, Narsapur, West Godavari District.

4. Mandela Ramu, S/o.Veera Swamy,
   4th Ward, Narasapur, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the proposed action of the 3rd Respondent in demolishing, the building under construction in an extent of Ac. 0-01 cents, in R.S. No: 179, 4th ward Narsapuram, West Godavari District without any manner of right and without giving any notice whatsoever is illegal, arbitrary, violative of principles of natural justice and also violative of Articles 14, 16 and 300-A of the constitution of India.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

Though the interlocutory applications are listed, the matter was heard finally and being disposed of by this order. It is the case of the petitioner that the second respondent herein assigned house site admeasuring Acs.0.01 in R.S.No.179 of Narsapur as recommended by the Narsapur Municipality. He obtained necessary permission and constructed a house. It is alleged that on 02.01.2003, subordinate officials of the Municipality came to the site and threatened to demolish. Apprehending coercive action for demolishing the petitioner's house, he approached this Court by filing the present Writ Petition. He prayed for declaration of the action of the respondents in demolishing the house as illegal and arbitrary.

This Court while admitting the Writ Petition on 06.01.2003 stayed the demolition of the building and observed that it shall be open to the Municipality to issue necessary notice to take action if the house is constructed in deviation of the plan.

In the counter-affidavit filed by the Mandal Revenue Officer along with the application for vacating interim order, the facts avered by the petitioner are admitted. However, the allegation that the third respondent tried to demolish is denied. The third respondent has not filed any counter-affidavit.

In view of the averments made in the counter-affidavit of the second respondent, this Writ Petition is disposed of observing that if the third respondent desires to take any action against the petitioner, it shall be so only in accordance with the provisions of the A.P.Municipalities Act, 1965, after issuing notice to the petitioner and after observing the interim order, dated 06.01.2003. Till then, there shall be *status quo*.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

25th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Revenue Divisional Officer,
   Narsapur, West Godavari District.

2. The Mandal Revenue Officer,
   Narsapur, West Godavari District.

3. The Commissioner, Narsapur Municipality, West Godavari District.

4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CD Copies.